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**MINUTES OF THE ZONING BOARD REGULAR  
MEETING ON MONDAY, APRIL 1, 2013, 7:00 P.M.,  
7<sup>TH</sup> FLOOR, LAND USE CONFERENCE AREA,  
STAMFORD, CONNECTICUT**

Present for the Board: Thomas Mills, Barry Michelson, Bill Morris, Audrey Cosentini and Harry Parson. Present for staff: Norman F. Cole, Land Use Bureau Chief and David Killeen, Associate Planner

**REGULAR MEETING**

Mr. Mills called the meeting to order at 7:10 p.m. Mr. Mills asked for a motion to change the order of the agenda. Mrs. Cosentini made a motion to move agenda item Application 208-05 Antares Harbor Point to the first discussion item. Mr. Michelson seconded the motion and it was approved 5:0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

1. **APPL. 208-05 ANTARES HARBOR POINT**, General Development Plan, Condition #7, 14 Acre Working Boatyard and Full Service Marina status updates, Cease & Desist Order and requested items.
  - Discussion of Harbor Point cultural space requirement

Mr. Mills invited John Freeman to address the cultural space requirement question. Attorney Freeman explained the history and 2006 agreement by Antares to relocate the Loft Artists for 5 years at 845 Canal. In 2009 Waterside School was approved, BLT believed, as a cultural institution. "Cultural Institution" is not specifically defined in the SRD-S regulations. Waterside School's website shows they hold public events. BLT did not request Zoning Board approval of 845 Canal as meeting the cultural requirements.

Mr. Mills asked Attorney Freeman if there was anything in writing to confirm the Waterside School fulfilling the 10,000 sf cultural requirement? Attorney Freeman said no. Mr. Mills asked Staff to comment. Mr. Cole summarized SRD-S definitions for "cultural institutions", FAR and exempt public uses and Staff's interpretation that these uses must be submitted to the Zoning Board for approval. Mrs. Cosentini referred to supplemental materials forwarded to the Board Members and asked for clarification. Mr. Cole said there are two SRD zones: SRD-S has a 10,000 sf cultural institution requirement and SRD-N has a 5,000 sf cultural institution requirement for a total of 15,000 sf for this BLT project

Mrs. Cosentini said neither she nor Harry Parson recall accepting Waterside School as meeting the cultural requirement. As a Board Member at that time, she felt the members always felt the Loft Artists were the cultural institution that would fulfill this requirement. Attorney Freeman said Robin Stein agrees the regulations don't require the Loft Artists specifically. Attorney Freeman said the SRD regulations don't require BLT to request and secure Zoning Board approval. Mr. Parson agreed that he did not recall any discussion of Waterside School meeting the cultural requirement.

Mrs. Cosentini asked for a report from the Applicant to show how they are fulfilling the cultural requirement and what square footage meets this.

Mr. Parson lead a discussion about the arrangements between the Loft Association and BLT. Mr. Michelson asked what the difference was between a license and lease? Attorney Freeman said they have issued a license agreement (less rights) for a defined term at a defined rate with the Loft Association but it is not a lease.

A discussion followed about live/work units at Yale & Towne meeting the cultural requirement.

Lisa Cuscuna, President of Loft Artists Association, said Waterside School is principally for academics and not art/cultural events and is not open to the public. The Loft Artists hold many public events. Studios are open to the public. We are fulfilling the cultural requirement of the SRD regulations. The gallery and some of the common spaces at 845 Canal have been given to us for free. We pay rent on our studios. BLT has refused to renew our licenses and we are all now on a month to month basis.

Linda Morrole, past president of the Loft Artists, said it was her understanding that they were promised a permanent home in the South End. These discussions were with Mayor Malloy at that time.

Mr. Mills asked what parts of Waterside School are devoted to cultural uses and open to the public.

Mr. Mills called a brief recess at 8:10pm and resumed the regular meeting at 8:24pm.

Mr. Mills asked City Legal Director Joseph Capalbo if he would explain the new City agreement regarding the 205 Magee Avenue Boatyard plan.

Attorney Capalbo discussed the Mayor's Letter of Intent which was issued for the first plan but their consultant judged this plan to be inadequate. Now there is a revised plan to use 2.4 acres of City property and a new Letter of Intent is being prepared for the purpose of allowing the process to move forward. The Zoning Board will review the site plan and other boards will review the use of City property.

Mrs. Cosentini asked if they had determined the park land designation question? Attorney Capalbo said they have not determined this but even if it is, they will be seeking approval from the same Boards. The Mayor has only negotiated the price for the land.

Mrs. Cosentini asked how the process of reviewing 205 Magee will work? Attorney Capalbo said he envisioned the use of City property going forward through the necessary Boards simultaneously with the Zoning Board. Attorney Capalbo described the process and steps that need to be taken. Mr. Michelson asked how long the City would grant use of this property? Attorney Capalbo said he wasn't sure but probably a fixed term with extension options. They will ask the Boards to approve the license in the same manner as a lease.

Mr. Morris asked how the Cease & Desist affect the review of this application? Attorney Capalbo said he would review and report on the new application for potential acceptance at the April 8, 2013 meeting.

Mr. Mills summed up by saying the Board has to determine by April 15 if the reason for issuing the Cease & Desist has been resolved. Mr. Mills asked Attorney Capalbo if he would please attend that meeting to discuss this item.

Attorney Freeman said the Interim Boatyard was opened today as promised.

Mr. Mills asked if the hours and services were the same as last year? Attorney Freeman said yes, he'll check but he believes the hours are better.

Rob Danielson and Bill Buckley presented the status of the remediation work to the Board Members. Mr. Mills asked them to explain why the bulkhead sheeting hadn't been done. Mr. Buckley said they bid the work and found that specified sheeting wasn't available. They've rebid the work and expect the sheeting delivered by May 1, 2013. Work will take about 100 days. Mr. Mills asked how long to complete the entire site? Mr. Buckley said about another 6 months. Mr. Morris asked about the interim boatyard bulkheads and noted that work would not be done until the end of the boating season.

Mr. Mills asked Mr. Danielson and Mr. Buckley to confirm to the Zoning Board when the sheet pile materials are received.

Mr. Michelson moved to take the agenda items out of order. Mrs. Cosentini seconded the motion and it was approved 5:0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

### **OLD BUSINESS**

3. Administrative Approval of Signage for Stamford Hospital: Tully Health Center at 32 Strawberry Hill Court

After a brief discussion, Mr. Michelson moved to approve the signage proposed. Seconded by Mr. Parson and approved, 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

2. **APPL. 207-12 and 207-13 – METRO GREEN, BBSF LLC, and AFFORDABLE HOUSING DEVELOPMENT COMPANY, Special Exception, Site & Architectural Plan Review & Coastal Site Plan, 669 Atlantic Street**, associated with the submission of General Development Plans, as amended by Application 212-26, requesting approval of a 325,000 square foot office tower, 230 feet in height, and 255 dwelling units in four separate buildings, with associated structured parking, utilities, landscaping and streetscape improvements (*extension of time request*).

After a brief discussion, Mr. Morris moved to approve the extension of time. Seconded by Mrs. Cosentini and approved, 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

1. **APPL. 212-05 – BBSF, LLC, Site & Architectural Plan and Coastal Site Plan Review (CSPR)**, Final Site Plan and CSPR requesting approval of a 325,000 square foot, 17-story office tower, parking garage and associated landscape and streetscape improvements, located at One Station Place, part of the mixed-use, transit-oriented development Metro Green Project (*extension of time request*).

After a brief discussion, Mr. Michelson moved to approve the extension of time. Seconded by Mrs. Cosentini and approved, 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

### **Organizational Meeting – Election of Officers**

Mr. Mills discussed with the Board Members the need to appoint a new Zoning Board Chairman.

Mr. Michelson moved to nominate Tom Mills as Chairman. Mrs. Cosentini seconded the motion and Mr. Mills was approved as Chairman for the Zoning Board, 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

Mrs. Cosentini moved to nominate Barry Michelson as Secretary. Mr. Morris seconded the motion and Mr. Michelson was approved as Secretary for the Zoning Board, 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson).

### **APPROVAL OF MINUTES:**

#### **Minutes of February 25, 2013**

After a brief discussion, Ms. Donahue moved to approve the minutes as modified. Mr. Michelson seconded the motion and it passed with the eligible members present voting, 5-0 (Michelson, Cosentini, Morris, Donahue and Parson; Mills not seated).

#### **Minutes of March 4, 2013**

After a brief discussion, Ms. Donahue moved to approve the minutes as modified. Mr. Morris seconded the motion and it passed with the eligible members present voting, 5-0 (Michelson, Cosentini, Morris, Donahue and Mills; Parson not seated).

Mr. Mills took a brief recess at 9:55pm and resumed the meeting at 10:03pm.

### **NEW BUSINESS**

Discussion of a legal opinion for the Richard Redniss text question. Mr. Mills said this will be considered during the Public Hearing of April 8, 2013.

### **PENDING APPLICATIONS:**

1. Application 212-17 – YALE & TOWNE, SPE, LLC , 110 Towne St, (Y1)  
Amended GDP
2. Application 212-27 – Yale & Towne SPE, LLC (Y3), Final Site & Architectural Plans  
and Coastal Site Plan Review

Discussion of the original general site plan for Yale & Towne buildings, park, roads, retail, parking and residential units and the changes that have taken place during development to date. The Board requested additional information on GDP square footage (provide a simple chart showing changes), continuation of jitney service, management/administrative structure for buildings and common areas post any future sales and ownership. Staff will assemble final conditions tying up all items.

### **ADJOURNMENT**

There being no further business, Mrs. Cosentini moved to adjourn the meeting. Mr. Michelson seconded the motion which passed 5 to 0 with the eligible members voting (Mills, Morris, Cosentini, Parson and Michelson). Mr. Mills adjourned the meeting at 10:45pm.

Respectfully submitted,

Barry Michelson, Secretary  
Stamford Zoning Board